



Marketing to Tempe

Handbook for Supplier & Service Providers

Welcome

The City Procurement Office welcomes the interest and participation of all vendors to secure contracts with the City of Tempe. It is hoped that the information presented within this Handbook will assist in your efforts by acquainting you with the procurement and materials management policies and procedures of the City.

The information presented herein has been developed as a general guide, and as such may not answer all of your questions. Should additional information be sought, please feel free to contact the City Procurement Office.

Sincerely,

Michael Greene, C.P.M.
Central Services Administrator
480-350-8516

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Office Hours

The City Procurement Office is open Monday through Friday from 8:00 a.m. until 5:00 p.m., except on holidays.

Scheduled Visits

Visits to the City Procurement Office by sales representatives are welcomed and encouraged. It is recommended that your sales visits with City Procurement Officers be scheduled in advance. To allow time for daily start-up and close-out, Procurement Officers normally schedule vendor visits during mid-day, between 9:00 a.m. and 4:00 p.m.

Bid/Proposal Opening Attendance

The date and time for bid/proposal openings is printed on the cover sheet of each City bid/proposal solicitation. While being present at the solicitation opening is not required; bidders/proposers are welcomed to attend the opening. Since a thorough evaluation of bid/proposal responses is required before making an award decision, no decision will be made or announced at a solicitation opening.

On-Line Supplier Commodity Registration

The City Procurement Office maintains an automated file of prospective firms who have registered to be sent City bid/proposal solicitations e-mail notices for specific products and/or services.

This commodity list is primarily used for formal bid/proposal solicitations which are expected to exceed \$50,000 in value. This is a self registration program where interested firms can register on line for any commodity code that applies to their business model. Firms are required to maintain this registration information to ensure that notices are sent to the appropriate contact person.

How to Register On-Line

Supplier registration directions and links to complete registration are included on the Purchasing web page.

Non-Discrimination & Affirmative Action

Suppliers of products and services to the City of Tempe shall operate as an equal opportunity employer and **shall not discriminate** against any employee or applicant for employment because of race, color, religion, age, sex, sexual orientation, national origin, or because he or she has a physical or mental disability or because he or she is a disabled veteran or a veteran of the Vietnam era, including, without limitation, with respect to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. Suppliers

shall conform to all City of Tempe ordinances, State of Arizona and Federal laws, executive orders, rules and regulations relating to non-discrimination and affirmative action.

Further, the City Procurement Office is committed to fair and open competition with equal procurement opportunities for all firms wishing to do business with the City and encourages the participation of small and disadvantaged businesses in all bidding and contracting activities conducted by the City. Please view the City Procurement Office web page to identify the City Procurement Officer assigned to the Business Outreach Program. The City Procurement Office also holds periodic vendor workshops to provide training in the City's public procurement practices. Workshop dates and locations are advertised on the City Procurement Office web page (www.tempe.gov/purchasing).

Types of Procurements

Single Requirement (One-Time), Small Dollar Product Purchases:

Single requirement product needs that are under \$5,000 in total value, inclusive of tax, delivery and any add-on costs (such as installation and maintenance) may be directly purchased by City departments through the use of a City Procurement Card or direct pay "Purchase & Payment Requisition". However, such direct purchases are not intended for the purchase of items on City term contracts.

All single requirement (one-time) purchases over \$5,000 in value are to be made by the City Procurement Office, as well as lesser cost purchases, as may be requisitioned by City departments. Single requirement (one-time) purchases between \$5,000 and \$50,000 may be obtained by taking at least three (3) documented quote responses and purchases over \$50,000 require formal, competitive bid/proposal solicitations.

Repetitive Purchase Items:

Products and/or services, which are repetitively purchased for City departments, are solicited and awarded as annual or multi-year term contracts.

- Term contracts will result in a Term Contract or Issue based supplier/provider agreements.

Under Term Contract based agreements, a specific Contract Number is issued at the start of the contract period and allows City departments to directly draw materials or receive provider services. The contracted supplier will stock the contract awarded products at their outlet facility for "as needed" delivery and/or pick-up by authorized personnel within City departments. In some instances, a City bid/proposal solicitation may also identify that the resulting contract(s) may be cooperatively used by other public entities. Purchases made by City of Tempe for term contract items are normally paid by the City on a monthly basis.

Under Issue based term contracts, the City Procurement Office issues a separate PO for each purchased made under the contract. Issue based term contracts are used for products and/or services which require oversight review and approval of each purchase to ensure compatibility or standardization; or for high priced items.

Procurement Methods

City Procurement Cards:

The City Procurement Office has issued City Procurement Cards to City departments which may be used for the purchase of products with a total value under \$5,000, inclusive of tax, delivery and any add-on costs (such as installation and maintenance). However, such product

purchases are not to be "split" into multiple purchases to avoid exceeding the \$5,000 ceiling and are not intended for services.

City Procurement Card purchases by City departments are audited/reviewed by the City Procurement Office. Items noted to be repetitively purchased in sufficient quantity are competitively solicited and awarded as term contracts. Purchases which may appear to be in non-conformity with established procedures are further reviewed for appropriate action.

Cooperative Contracts:

The City Procurement Office often issues competitive solicitations and awards contracts which may be used by other public (government) agencies as well as Tempe and where applicable, uses cooperatively solicited and awarded contracts from other public agencies. The City of Tempe also participates in cooperative contracts created by the State of Arizona (State Procurement Office).

Informal Quotes:

City Procurement Officers (located within the City Procurement Office) will often call for quotes on various small dollar items. The quotes are recorded to the electronic Purchase & Payment Requisition and become part of the City's automated PO file. For purchases between \$5,000 and \$50,000, at least three (3) quote responses are taken and documented by the City Procurement Officer.

Request For Quotations (RFQ's):

A written Request For Quotation (RFQ) is issued by the City Procurement Office to three (3) or more vendors when special terms and conditions or requirements specifications are needed (i.e., insurance or performance bonding, etc.); or when it is critical that performance requirements be completely understood and accepted by the supplier or service provider.

Formal Bid/Proposal Solicitation:

Formal bid/proposal solicitations are required to be issued when the cost of procurement (purchase, lease, or rental) exceeds \$50,000.

A formal "Bid/Proposal Solicitation Notice" is sent via e-mail to all firms registered to bid/offer proposals for specific product and/or service codes selected from the Master Bidders List, as maintained by the City Procurement Office. The Notice provides a brief description of the City's procurement needs and instructs vendors on how to access the City bid/proposal solicitation through the City Procurement Office Web Page

- Invitation for Bid (IFB):

An IFB is normally issued to obtain bids for products and in some cases, general services for which requirement specifications are known and clearly stated. In the case of an IFB, the contract award is usually made to the bidder who is responsive to all stated bid requirements, determined to be responsible to perform the contract in a timely and quality manner, and who offers the most advantageous cost to the City. At an IFB opening, the name of each bidder, items bid, and bid prices are publicly read and recorded.

- Request for Proposal (RFP):

A RFP may be issued to obtain proposal offers for professional services, general services, high-tech equipment, software and certain products where performance, maintenance, and/or supply factors are determined to be critical to the City. In the case of an RFP, the

contract award is usually made to the most responsive and responsible offeror (proposer) to meet the stated evaluation criteria of the City. Price/cost factors represent only one evaluation criteria. At a RFP opening, the name of each offeror and an "offer" or "no offer" statement is publicly read. Prices and proposal information are kept confidential until after contract award.

Under a RFP, discussions may be held with offerors and "best and final offers" obtained. Discussions are usually conducted with offerors (proposers) who submit proposals determined by the City to be among finalists and who are reasonably susceptible of being selected for contract award. Discussions are conducted for the purpose of clarification to ensure full understanding of, and responsiveness to, the City's solicitation requirements. Offerors are accorded fair treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and before award for the purpose of obtaining "best and final offers". In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors (proposers).

The award shall be made to the responsible offeror (proposer) whose proposal is determined in writing to be the most advantageous to the City, taking into consideration the evaluation factors set forth in the RFP.

Bid/Proposal Solicitation Opening

Whether an RFQ, IFB or RFP all received bid/proposal responses are time and date stamped in the City Procurement Office, bidder's/offeror's name on envelope/package recorded, and then filed unopened in a locked "bid" cabinet. The response envelope/package remains unopened until the designated time and date for public opening. At the time and date stated for the public bid/proposal opening, a City Procurement Officer opens bids or proposals before witnesses and reads appropriate information.

Late bids/proposals are not received and are rejected by the City Procurement Office, regardless of the reason for lateness, including circumstances beyond the control of the bidder/offeror. To ensure timely delivery, never wait until the last minute to submit a bid/proposal response to the City Procurement Office. There are too many chances for not being timely and this will render useless a great deal of hard work in preparing a bid/proposal response that will never have an opportunity to be considered.

Fair and Open Competition

The City Procurement Office promotes the precept of a fair and open competitive solicitation process, wherever practicable. Restrictive or proprietary specifications are kept to minimal use; and only applied where absolutely necessary to meet technical demands for operational compatibility with existing City equipment or for truly unique and cost effective performance applications.

The City may contract with persons other than City personnel for the preparation of specifications. However, no person preparing specifications shall receive any direct or indirect benefit from the utilization of such specifications.

Scope of Work and Specifications

Most City bid/proposal solicitations contain "Scope" and "Specifications" sections that identify the product(s) and/or service(s) to be procured and present the physical and/or functional

characteristics of the item(s) being sought. The "Scope" and/or "Specifications" may include a description of any requirements for inspecting, testing or preparing a material, service or construction for delivery. A brand name or acceptable alternate specification may be used for the purpose of describing the standard of quality, performance or characteristics required or desired of the item(s) to be procured, but is not intended to limit or restrict competition.

Submitting a Bid or Proposal

It is the bidder's/proposal offeror's sole responsibility to ensure that a bid/proposal is received at the stated location prior to the time and date specified in the City's bid or proposal solicitation. If required, the bidder/offeror (proposer) is to acknowledge all City solicitation amendments by signing and returning the amendment(s) prior to the specified bid/proposal due date and time. Bids/proposals may be modified or withdrawn prior to the time and date set for solicitation opening. Late bids/proposals will not be opened and will be rejected regardless of the degree of lateness or the reason, including causes beyond the control of the vendor.

Late bids/proposals that are hand-carried will not be accepted by the City Procurement Office. Late bids/proposals received through the mail will be filed unopened and a Late Bid Notice transmitted/mailed to the sender (if name and address were printed on outside of the late bid/proposal envelope).

Submission of bids/proposals shall be on the forms included in each City solicitation. Telegraphic offers, mailgrams, facsimile and electronic responses to formal bids/proposals will not be considered. Bids/proposals must be submitted with original ink signature by the person authorized to sign the bid or proposal offer. Unsigned bid/proposal offers will be rejected.

Vendors and the public are invited, but not required, to attend the formal opening of bids/proposals. No decisions related to an award of a contract will be determined at the opening. At Invitation For Bid (IFB) openings, the name of each bidder is read allowed along with the bidder's prices and information indicating the product(s) and/or service(s) bid. At Request For Proposal (RFP) openings, the name of each offeror (proposer) is read allowed along with an "offer" or "no offer" statement. Proposal responses are not read and unless the evaluation process comes under public open meeting laws, details concerning the offeror's proposal are not made available until after a formal contract award has been made by the City.

Successful vendor(s) will be notified of their award selection and upon award will be sent either a Purchase Order (PO) or Contract Award Notice. In certain instances, a more formalized contract may require further post award discussions and document signing between the City and the vendor selected for award.

Bid Tab Results

Initial Bid Tab results are normally posted to the City Procurement Office web page (www.tempe.gov/purchasing) within two (2) days after bid opening and are available for public review. Bid Tab results may also be obtained by sending the City Procurement Office a letter of request and enclosing a self-addressed and stamped return envelope. Bid Tab results are not given over the telephone or faxed.

The prices shown on an initial Bid Tab for an Invitation For Bid (IFB) represent those compiled at time of bid opening and are subject to further evaluation and analysis as to accuracy. Bid responses are also evaluated as to responsiveness to bid requirements and bidder

responsibleness (capability and likeliness to complete a potential contract in a timely and satisfactory manner). Initial Bid Tab listings do not necessarily equate to a selected bidder.

The Bid Tab for a Request For Proposal (RFP) will only indicate who submitted a proposal and will not show prices.

Award Recommendations

Formal contract award recommendations will be placed on the City Procurement web page (www.tempe.gov/purchasing) and posted at the front counter of the Procurement Office at the same time the award recommendation is forwarded for City Council review. After an award has been made, bidders may make an appointment with the Procurement Officer identified in the bid solicitation, visit the City Procurement Office and review the bid/contract file.

Vendor Billing - Single Requirement (One-time) Purchases

Single requirement (one-time) purchases for goods and services are normally paid by the City within 30 days after delivery and/or completion of the service; provided the vendor's product(s) and/or work was found satisfactory by the City department and the vendor's billing invoice was found to be correct. Unacceptable products/services and/or incorrect billing invoices will delay vendor payments until such time as problem areas are corrected and accepted by the City department(s); and the approved invoice is transmitted to the City Accounting Office. The City Accounting Office processes all payments for single requirement (one-time) purchases.

Vendor Billing – “Blanket” Term Contracts

City customer departments' compliance monitor billing invoices received from vendors with “Blanket” Term Contracts. Individual delivery or service receipts are reviewed for accuracy, correct bid/contract prices and for bid awarded (authorized) contract items. Approved contract payments are then transmitted from the City departments to the City Accounting Office for payment release. Item names, identification numbers and prices stated in the vendor billing invoices are compared to those in the City's contract award to the vendor and any discrepancies resolved before a payment is approved for processing.

Billing statements received by the fifth of the month are processed and have a payment check issued within approximately 30 days, provided the following items have been received, matched and verified as to complete compliance to the bid/proposal and City awarded contract. All itemized vendor packing slips, delivery tickets, invoices and billing statements are to contain the following information -

- Term contract number;
- Name of ordering department;
- Correct quantity; and
- Purchased items' name, identification description and price as per vendor's bid/proposal response to the City.

Legal and Contractual Remedies

- Resolution of Contract Claims:
The City Procurement Office administers awarded contracts and has the authority to settle and resolve contract claims and controversies. The City Procurement Officer identified in the City's bid/proposal solicitation is the first line of contact to resolve an

issue and the City's Central Services Administrator is the second line of contact. Appeals from the decision of the City Procurement Office may be made to the Director of Finance and Technology.

- Filing a Protest:

A protest based upon alleged improprieties in a City bid/proposal solicitation is to be filed with the City Procurement Office prior to the bid/proposal opening date stated in the solicitation.

A protest to a City award decision is to be filed within ten (10) days after the award date. The City Procurement Office posts award recommendations on its web page (www.tempe.gov/purchasing) and at the Procurement Office front counter for public review.

Protesters will be given fair consideration. The protest process shall be administered in accordance with Section 26A-21 of the City's Procurement Ordinance.

The content of protest is to be in writing and include the following information -

- The name, address and telephone number of the protester;
- The signature of the protester or its representative;
- Identification of the solicitation or contract number;
- A detailed statement of the legal and factual grounds of the protest including copies of relevant documents;
- The form of relief requested.

To be considered, protests are first to be filed with the City Procurement Officer identified in the bid/proposal solicitation in question and a copy sent to the City's Central Services Administrator. Protests concerning a solicitation requirement, specification or term must be filed prior to the closing date of the solicitation. Protests concerning awards must be filed within 10 days after the date of award. The City Procurement Office will immediately give notice of the protest to the vendor recommended for award or contractor if award has been made.

The City Procurement Office will issue a written decision within ten (10) days after a protest has been filed. The decision shall contain an explanation of the basis of the decision. If the City Procurement Office fails to issue a decision within the ten (10) day time limit, the protester may proceed as if the Procurement Office has issued an adverse decision.

To be considered, an appeal from a decision entered or deemed to be entered by the City Procurement Office must be filed with the Director of Finance and Technology within ten (10) days from the date the decision is received. The appellant shall also file a copy of the appeal with the City's Central Services Administrator (Procurement Administrator).

An appeal is to contain the following information -

- The original protest information as submitted to the City Procurement Office;
- A copy of the decision of the City Procurement Office; and
- The precise factual or legal error in the decision of the City Procurement Officer from which an appeal is taken.

Debarment and Suspension

The City's Director of Finance and Technology has the authority to debar and suspend a person and/or firm from participating in City procurements. If debarment is proposed, the person/firm and affected affiliates will be so notified in writing within seven (7) days of the proposed debarment and a hearing will be scheduled. Any debarred person/firm may request reinstatement by submitting a petition to the Director of Finance and Technology, supported by documented evidence showing that cause for debarment no longer exists or has been substantially mitigated.

If adequate grounds for debarment exist the Director of Finance and Technology may suspend a person from receiving any procurement award. The period of suspension shall be set by the Director of Finance and Technology and may be up to six (6) months. A debarment may be up to three (3) years.

Ethics Policy

The City Procurement Office believes strongly in the precept of fair and open competition and in maintaining the integrity of the City's procurement and contracting process. To this end, the City Procurement Office has a strict **"NO GRATUITIES"** in any form policy. Employees of the City Procurement Office are prohibited from accepting any gratuity, no matter how small the value. Gratuities are also not to be given to any City employee and may lead to vendor's bid or proposal being disqualified, cancellation of any contract with the City, debarment from participation in City solicitations and possible legal action. In addition, no person/firm preparing specifications for a City solicitation shall receive any direct or indirect benefit from the use of such specifications.

Vendor Trade Shows, Product Fairs and Product Samples

City Procurement Officers and employees may attend vendor trade shows open to the industry or general public, but can not participate in any trade show related drawings for gifts or products and can not participate in any vendor provided meals. Vendors with City term contracts may also schedule "vendor product fairs" through the City Procurement Office for the purpose of displaying and issuing a limited number of sample "test" products to City departments. Vendors may also arrange through the City Procurement Office for "testing" of sample products for evaluation and possible inclusion on any Qualified Products Lists established by the City.

Unauthorized Contracts Null and Void

All vendors and contractors are cautioned and strongly advised to ensure that a City Procurement Office issued contract or purchase order is obtained prior to performing any service or incurring any expense.

Preparing For Success

Should a City bid/proposal solicitation call for pre-qualified products, a vendor should make an attempt to have their product tested and qualified prior to issuance of a City bid/proposal solicitation. Testing of products and the determination as to acceptability can normally be performed before the issuance of a subsequent bid/proposal solicitation.

Once a business obtains a copy of a City bid/proposal solicitation, the next major step is to prepare an acceptable bid or proposal response to the solicitation. There are no easy solutions to accomplish this task. However, there are several recommended actions which may enhance a bidder's/proposer's opportunities for success.

- Give an incoming City bid/proposal solicitation an immediate and thorough review. Pay special attention to any requirements (terms, conditions, instructions, specifications, pricing methods, etc.) which must be met to be responsive.
- Contact the City Procurement Officer identified in the City bid/proposal solicitation to answer any questions or to settle any points of confusion. Don't wait until the last moment and hope to accomplish this clarification. If a clarification may be material to the outcome of the bid/proposal, place questions in writing and obtain a written response from the City Procurement Office.
- Present a clear, well organized and well prepared bid or proposal response. Follow any bid/proposal preparation instructions that are given within the City's bid/proposal solicitation. Whenever possible, type a bid or proposal response and thoroughly proof read the prepared response. Double check pricing accuracy, ensure all required supporting documentation is enclosed with the bid/proposal response, answer any questionnaire information, provide any instructed information, and sign the bid/proposal response.
- Provide responses to any question asked by the City with an accurate and truthful statement. Failure to meet or exceed a mandatory requirement will result in a non-responsive bid/proposal response. Any alternate method used to obtain a performance equivalent to a mandatory requirement should be stated as an "alternate" in the bid/proposal response, fully explained and technical material submitted to substantiate the "alternate" method. The City will make the ultimate decision to accept or reject any alternate method.
- Sign all required signature pages and return all required bid/proposal documents. An unsigned bid/proposal and/or substantially incomplete bid/proposal response will be rejected and not considered.
- If a City bid/proposal solicitation requests multiple copies of a bid/proposal response for evaluation purposes, be sure to include these extra copies.
- If a City bid/proposal solicitation requires that product technical literature or samples be included with a bid/proposal response, be sure that such materials are enclosed within your bid/proposal response package. Failure to include required technical literature and samples for evaluation purposes may cause your response to be rejected and not considered.

- Unless specifically disallowed by language within a City bid/proposal solicitation, a vendor may present multiple products or proposals to the City within their bid/proposal response. However, each alternate response package is to be listed as such and contain all required forms, signature pages, technical literature, product samples, completed questionnaires and any other materials called for in the City's bid/proposal solicitation.
- Be sure to clearly label each sealed bid/proposal response envelope/package with the City's bid/proposal solicitation number, description of the material, service and/or construction being bid and the bid/proposal due date.
- Make sure that a bid/proposal response is received by the City Procurement Office prior to the designated date and time scheduled for bid/proposal opening. **Late bids/proposals are rejected and not considered.**

In determining the responsiveness of a bid/proposal response, the City Procurement Office will review the bidder's/proposal offeror's response as to its conformity with all stated requirements and evaluation criteria of the bid/proposal solicitation. Once a bidder/proposal offeror is determined to be responsive, bidders/proposal offerors will be reviewed as to price and value considerations of their comparative products and/or services.

Vendor (bidder/offeror) capability is also considered prior to any award recommendation. The likeliness as to whether a vendor can perform a contract is reviewed according to criteria established within the City's bid/proposal solicitation. Past performance histories are considered and any requested bidder/proposal offeror references are checked. The City (at its discretion) may not make an award recommendation to any vendor previously defaulting on a contract obligation with the City. Vendor financial stability is also checked if considered material to the longevity of a contract or to the supply of products and/or services which require an initial or start-up expense by the contracted vendor.

Quite often, a committee approach is used in the evaluation of bid/proposal responses. In such an approach, the City Procurement Office works with the technical staff within City departments to reach an award decision and recommendation.

After a contract award has been established, the City Procurement Office may hold post award meetings to enable both supplier and/or service provider and City staff to reach a more complete understanding of each others contract expectations, performance benchmarks and operating schedules. It is at these meetings that a professional, working relationship is formed.

Authorized Contact(s) for City Bid/Proposal Solicitations & Contracts

The only authorized contact regarding a City bid/proposal solicitation or contract is with the City Procurement Officer identified in the City's solicitation.

City Procurement Officer Assignments

City Procurement Officers are well educated and experienced in the disciplines of public procurement and contracting and have been professionally certified by nationally recognized purchasing organizations.

The procurement responsibilities for City Procurement Offices may vary and a current list of buying and contract administration assignments may be obtained by visiting the divisions web site. The name and phone number for City Procurement Officers are:

- Tony Allen, CPPB (480) 350-8548
- Lisa Goodman, CPPB (480) 350-8533
- Ted Stallings, CPPB (480) 350-8617
- Michael Greene, C.P.M. (480) 250-8516

Information of an operational or policy nature concerning City Procurement practices and policies may be addressed to Michael Greene, CPM, Central Services Administrator.

Sale of City Surplus and Salvage Materials

The City's Procurement Division has the responsibility for the disposition of City surplus and salvage/scrap property that is no longer required by City departments; and for the sale of transferred Police recovered property.

Surplus materials are offered to the public through competitive sealed bids, public auctions and market established posted price sales. In addition, City surplus property may also be used for trade-ins on new equipment per competitive quote/bid solicitations.

The City's current auction services provider is listed on the Procurement Division website under "Current Contracts". You may also contact the Procurement Office directly with questions on surplus property disposal.

When selling surplus property with an estimated value over \$50,000 (outside of a City Auction), a competitive sealed bid is issued to registered bidders on the City's Master Bid List and public advertisement is used. The City's bid solicitation will list the materials being offered for sale, designate their location and how they may be inspected. The bid solicitation also states the terms and conditions of sale, provides instructions to bidders and lists the location, time and date scheduled for public bid opening. Interested bidders are welcomed to attend the scheduled bid opening.

Award of sale is normally made to the responsive and responsible bidder offering the highest revenue return to the City for the surplus property and/or salvage (scrap) material; provided the amount bid represents a realistic market value. The City or its agent reserves the right to reject bids considered to be substantially below the used market value.

Any surplus material sold by the City must be removed by the successful bidder (buyer) within the time stipulated by the auctioneer or as stated within a bid solicitation.

We hope this information has been helpful in gaining a better understanding of how the City's Procurement Office functions.

Best wishes in your pursuit of business opportunities with the City of Tempe.